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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,443	10/07/2003	Arvo Laitinen	3503-1015	3691

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EXAMINER
FAULK, DEVONA E

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/679,443	LAITINEN ET AL.	
	Examiner	Art Unit	
	Devona E. Faulk	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 2003* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *10/7/2003*.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Remarks

1. The RCE is granted and the amendment entered. The applicant has amended to overcome the 112 1st rejection of the previous office action.

2. Upon doing an updated search, the examiner has found art to read on the amended claim language.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1,2,3,7,1112,16 and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Yasushi et al (6,048,310).

Claims 1,11 and 20 share common features.

Regarding claims **1,11 and 20**, Yasushi discloses an information distribution device (Figure 1) comprising

at least one loudspeaker by which audio information is made audible to a user (Figure 1; loudspeaker; reads on presenting audio information of claim 11 and loudspeaker of claim 20);

monitoring means for obtaining measurements in the system (10,20 state sensors and biosensors, Figure 1; column 7, lines 6-11),

said monitoring means comprising at least one sensor which is connected to the monitoring means and is non-invasively connectable to the user, and produces signals describing a somatic phenomenon directly associated to the user, wherein the monitoring means are adapted to received said signals and measure a change of the somatic phenomenon (10,20 state sensors and biosensors, Figure 1; column 7, lines 6-11; reads on performing measurements of claim 11; reads on a monitor obtaining system of claim 20),

an information database storing audio files (ROM 63, RAM 64, Figure 1; column 9, lines 28-35; reads on database of claim 20), and

control means (calculation unit 51, Figure 1) responsive to the monitoring means, adapted to determine on the basis of the measured change of the somatic phenomenon the current state of the user, and in accordance with the current state of the user select a certain audio file containing speech and/or music from among the audio files stored in the information database and control a manner of presentation of the selected audio file through the loudspeaker (column 10, lines 17-29; column 9, lines 40-50; reads on controlling the operation , determining the current state of the user of claim 11; reads on controller of claim 20).

Regarding **claims 2 and 12**, Yasushi discloses that the sensor is adapted to measure at least one biophysiological phenomenon directly from the user (biosensors 21-24, Figure 2B; column 9, lines 63-65).

Regarding **claim 3**, Yasushi discloses that the measurement means are adapted to make at least one type of measurement from a group including measurements of the EMG, EEG, and EKG type, and measurements indicating skin conductivity, temperature, blood pressure and frequency of respiration (biosensors , Figure 2B).

Regarding **claim 7**, Yasushi discloses that the measurement means comprise sensors located on the user, the sensors being adapted to measure the nature of movements of the user (biosensors 21-24, Figure 2B; column 9, lines 63-65) .

Regarding **claim 16**, Yasushi discloses fitting the monitoring means on the user and measuring the nature of the movements of the user by said means (column 8, lines 8-12; column 11, lines 30-column 12, line 22) .

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 4,5,13,14 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi et al. (US 6,048,310) in view of Anderson et al. (U.S. Patent 5,568,126).

Regarding **claims 4 and 13**, Yasushi discloses a monitoring means. Yasushi fails to disclose an observation means for measuring the state of the environment of the user, whereby the control means are also responsive to the observation means. Anderson discloses an environmental measurements surrounding conditions recorder that detecting environmental conditions (50; Figure 4)(column 5, lines 10-30) responsive to the physiological condition monitoring system (10). It would have been obvious to modify Yasushi to have an environmental sensor as taught by Anderson in order to provide a less stressful environmental for people.

Regarding **claims 5,14 and 18**, Yasushi fails to disclose a regulation means for regulating the state of the environment of the user, whereby the control means are adapted to control the regulation means. Anderson teaches of a regulation means (computer system 22). Claims 514, and 18 are rejected for reasons as stated apropos of claims 4 and 13 above.

7. **Claims 6,8,15 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi et al (US 6,048,310) in view of Osorio et al. (US 6,549,804).

Regarding **claims 8 and 19** Yasushi fails to disclose that the system is characterized in that it is incorporated into a portable player. Osorio teaches of a system that monitors biophysiological changes in the brain incorporated in a portable player (column 4, lines 54-57). It would have been obvious to modify Yasushi so that the system is incorporated in a portable player as taught by Osorio in order to provide a miniaturized version of the system.

Regarding **claims 6 and 15**, Yasushi fails to disclose adjusting the somatic operation of the user. Osorio discloses adjusting the somatic operation of the user (column 9, lines 21-27). It would have been obvious to modify Yasushi to adjust the somatic operation of the user in order to prevent certain medical conditions.

7. **Claims 9,10 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi et al. (US 6,048,310) in view of Carnes et al. (WO 00/52604 A1).

Regarding **claim 9,** Yasushi teaches the control means comprise local control means operatively connected to control the presentation device, and computer that does the processing. Yasushi fails to discloses that global control means operatively connected to control the local control means via a communication network. Carnes discloses a global system for on-line health monitoring and education. He discloses client computers (11; Figure 1; local means) and a web server (15; Figure 1; global means) adapted to communicate with the local control means through a communication network (page 4, line 23-page 5, line 13); transferring measuring data from the client computers to the server (page 13, line 15-page 14, line 15) and defining control information for the local means (page 13, line 15-page 14, line 15). Therefore, it would have been obvious to have a global means adapted to control several local control means in order to be able to monitor more than one individual at a time.

Regarding **claim 10,** Yasushi teaches the control means comprise local control means operatively connected to control the presentation device, and computer that does the processing. Yasushi fails to disclose a global control means adapted to control several different local control means which are separate from each other.

Carnes discloses a global system for on-line health monitoring and education. He discloses client computers (11; Figure 1; local means) and a web server (15; Figure 1; global means) adapted to communicate with the local control means through a communication network (page 4, line 23-page 5, line 13); transferring measuring data from the client computers to the server (page 13, line 15-page 14, line 15) and defining control information for the local means (page 13, line 15-page 14, line 15). Therefore, it would have been obvious to have a global means adapted to control several local control means in order to be able to monitor more than one individual at a time.

Regarding **claim 17**, Yasushi teaches the control means comprise local control means operatively connected to control the presentation device, and computer that does the processing. Yasushi fails to disclose that the method is characterized by implementing the control means as several local control means and as global control means, whereby each local control means is adapted to control the presentation device corresponding to said means, and the global control means are adapted to communicate with the local control means through a communication network, transferring measurement data from the local control means to the global control means, the measurement data being obtained form the monitoring means, and defining control information for the local control means in the global control means, whereby the control of the local control means occurs on the basis of the control information defined.. Carnes discloses a global system for on-line health monitoring and education. He discloses client computers (11; Figure 1; local means) and a web server (15; Figure 1; global means) adapted to communicate with the local control means through a communication network (page 4, line 23-page 5, line 13); transferring measuring data from the client computers to the server (page 13, line 15-page 14, line 15) and defining control information for the local means (page 13, line 15-page 14, line 15). Therefore, it would have been obvious to have a global means adapted to control several local control means as taught by Collins in order to be able to monitor more than one individual at a time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

3/20/06

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